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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/540,680	02/17/2006	Thomas Lewin	1813	8980
20676	7590	12/15/2008	EXAMINER	
ALFRED J MANGELS			KASTLER, SCOTT R	
4729 CORNELL ROAD				
CINCINNATI, OH 452412433			ART UNIT	PAPER NUMBER
			1793	
			MAIL DATE	DELIVERY MODE
			12/15/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/540,680	LEWIN, THOMAS	
	<b>Examiner</b>	<b>Art Unit</b>	
	Scott Kastler	1793	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 28 August 2008.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-14 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-14 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ritter et al in view of the admitted prior art of the instant disclosure and Mihara et al. Ritter et al teaches an arrangement for cooling wire (in the embodiment of claim 15 for example) including a housing filled with an inert gas (see col. 5 lines 7-32 for example) with an inlet and outlet for the wire to be treated including a rotating drum of a metallic material around which the wire is to be coiled in juxtaposed turns where the drum is cooled by atmosphere convection thereby showing all aspects of the above claims except the specifically recited treatment temperatures or configuring the cooled drum to a diameter that would not impart plastic deformation to the cooled wire. The admitted prior art of the instant disclosure at paragraph [0002] for example, teaches that it was well known in the art during wire annealing processes, to cool the wire after annealing to 20-50 degrees C below the oxidation temperature. The admitted prior art of the instant disclosure also teaches that at the time the invention was made it was known in the art to be desirable to reduce bending of the wire to below that which would produce plastic deformation of the wire (see paragraph [0004] for example). Mihara et al teaches that when cooling wire or strip from an annealing process through the use of a cooling roll (1) employing a cooling medium from an external source passed therethrough (see claim 1 for example) it was known in the art to

configure the diameter of the cooling drum so that the diameter is greater than a diameter at which the product is influenced mechanically by plastic deformation (see col. 3 lines 34-36 and col. 7 lines 33-50 for example) in order to improve the quality of the final product. Because Ritter et al also requires some achieved cooling temperature after annealing and would also desire the improved final product quality derived from reducing or eliminating plastic deformation of the wire as taught by the admitted prior art of the instant disclosure, motivation to employ well known cooling temperatures taught by the admitted prior art of the instant disclosure, where plastic deformation is reduced or eliminated as also taught to be desirable by the admitted prior art of the instant disclosure, where the plastic deformation of the wire is eliminated by adjusting the drum diameter to a diameter greater than a diameter at which the product is influenced mechanically by plastic deformation as taught by Mihara et al, would have been modifications obvious to one of ordinary skill in the art at the time the invention was made.

### ***Response to Arguments***

Applicant's arguments, see the response, filed on 8/28/2008, with respect to the rejection(s) of claim(s) 1-14 under 35 USC 102 and 103 have been fully considered and are persuasive. Therefore, the rejections have been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of the newly discovered reference to Mihara et al, which teaches the features of adjusting cooling drum or roll diameter in order to eliminate plastic deformation in the cooled product as well as injecting an outside cooling medium into the drum or roll.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Kastler whose telephone number is (571) 272-1243. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (571) 272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott Kastler/  
Primary Examiner, Art Unit 1793

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